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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re application of: Harry W. Eberle, III      Group Art Unit: 3679  
Serial No.: 10/037,325      Examiner: Ernesto Garcia  
Filed: January 3, 2002  
For: **DECKING SYSTEM AND ANCHORING DEVICE**  
Old Docket No.: HWE-107A  
New Docket No.: 0247-5

Bedminster, N.J. 07921  
September 20, 2006

Mailstop Petitions  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIVAL OF**  
**UNINTENTIONALLY ABANDONED APPLICATION**  
**UNDER 37 C.F.R. 1.137(b)**

Applicant respectfully petitions, through his attorney of record, the Commissioner of Patents and Trademarks to revive the above-identified application and to reinstate the Appeal.

The application became abandoned on November 20, 2005 for failure to respond to the Notice dated October 20, 2005 that the Appeal Brief submitted May 24, 2005 did not comply with the requirements of 37 C.F.R. §41.37. The entire delay in responding to the Notice was unintentional.

Applicant has prepared and submitted concurrently herewith an Appeal Brief in compliance with 37 CFR §41.37. The Appeal Brief presents arguments that are believed to place the application in condition for allowance. The revival is requested in order to provide sufficient time for the Board of Patent Appeals and Interferences to consider the Brief.

A check made payable to the Director of U.S. Patents and Trademarks in the amount of \$835 is enclosed to cover the \$750 fee associated with this Petition to Revive and the \$85 fee increase for filing an appeal over that previously operative on May 24, 2005, when the Appeal Brief, and accompanying fee, were initially filed.

09/25/2006 MGE BREM1 00000017 10037325  
01 FC:2453      750.00 OP

Respectfully submitted,  
Harry W. Eberle, III

By *[Signature]*  
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